



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

MEMORANDUM

OFFICE OF
AIR AND RADIATION



SUBJECT: Updated Recusal Statement

FROM: Anne L. Austin
Principal Deputy Assistant Administrator

A handwritten signature in blue ink that reads "Anne L. Austin".

signed on 7/21/2020

TO: Andrew R. Wheeler
Administrator

I have previously consulted with the Office of General Counsel/Ethics (OGC/Ethics) and been advised about my ethics obligations. This memorandum formally notifies you of my continuing obligation to recuse myself from participating personally and substantially in certain matters in which I have a financial interest, or a personal or business relationship. I also understand that I have obligations pursuant to Executive Order 13770 and the Trump Ethics Pledge that I signed, as well as my own bar obligations. This recusal statement supersedes my July 31, 2019 recusal statement.

FINANCIAL CONFLICTS OF INTEREST

As required by 18 U.S.C. § 208(a), I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2). I understand that the interests of the following persons are imputed to me: any spouse or minor child of mine; any general partner of a partnership in which I am a limited or general partner; any organization in which I serve as officer, director, trustee, general partner or employee; and any person or organization with which I am negotiating or have an arrangement concerning prospective employment.

I have consulted with OGC/Ethics about my family's closely-held corporation, **Idsal Family Properties Management**. I will continue to have a financial interest in this entity but receive only passive income from it. I will not participate personally and substantially in any particular matter that will have a direct and predictable financial effect on the financial interest of Idsal Family Property Management, unless I first obtain a written waiver from the Office of General Counsel pursuant to Section 208(b)(1).

Unless I am authorized to participate by the Office of General Counsel, I am disqualified from participating in any particular matter involving specific parties in which the following entity is a party or represents a party:

NAME OF ENTITY	DATE WHEN RECUSAL ENDS
Valley Crossing Pipeline	Continues for as long as I have an interest in a pipeline easement with this entity.
Rio Bravo Pipeline	Continues during negotiations about a pipeline easement. If easement is granted, then recusal continues for as long as I have an interest in it. If the negotiations end, then my recusal with regard to Rio Bravo Pipeline also ends.

OBLIGATIONS UNDER EXECUTIVE ORDER 13770

Because more than two years have elapsed since I joined EPA, OGC/Ethics has confirmed that I am no longer subject to the paragraph 6 limitations regarding former employers. not subject to the additional Executive Order restrictions regarding former employers.

ATTORNEY BAR OBLIGATIONS

Pursuant to my bar rules, I recognize that I am obliged to protect the confidences of my former clients. I also understand that I cannot participate in any matter that is the same as or substantially related to the same specific party matter that I participated in personally and substantially, unless my bar provides for and I first obtain informed consent and notify OGC/Ethics. Although I had previously recused myself as a prudential matter from participation in the **Texas Regional Haze 5 Year Program Report** and the **Texas SO2 Transport SIP**, I received confirmation from the General Counsel of the Texas Commission on Environmental Quality (TCEQ) that I did not participate substantially in these particular matters while at TCEQ. Therefore, they and OGC/Ethics have no objections to my participation in any future decisions regarding these two particular matters.

SCREENING ARRANGEMENT

In order to ensure that I do not participate in particular matters from which I am recused, I will instruct Ann Ferrio, Chief of Staff, to assist in screening EPA matters directed to my attention. All inquiries and comments involving my recusal should be directed to Ms. Ferrio without my knowledge or involvement.

If Ms. Ferrio determines that I am recused, then she will refer it for action or assignment to another, without my knowledge or involvement. In the event that she is unsure whether an issue is a particular matter from which I am recused, then she will consult with OGC/Ethics for a determination. I will provide a copy of this memorandum to my principal subordinates and Justina Fugh, Director, Ethics Office.

UPDATE AS NECESSARY

In consultation with OGC/Ethics, I will revise and update my recusal statement whenever warranted by changed circumstances, including changes in my financial interests, changes in my personal or business relationships, or any changes to my EPA duties. In the event of any changes to my screening arrangement, I will provide a copy of the revised recusal statement to you and OGC/Ethics.

cc: Elizabeth Shaw, Deputy Assistant Administrator
David Harlow, Senior Counsel
Ann Ferrio, Chief of Staff
Justina Fugh, Director, Ethics Office